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12 Attorneys for Defendant
13 CATERPILLAR INC.

14 UNITED STATE DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 KENNETH ORNDORF,

18 Plaintiff,

19 v.

20 CATERPILLAR INC., a Delaware
21 Corporation and DOES 1 through 50,
22 inclusive,

23 Defendants.

Case No. 5:08-cv-01276-JW

**STIPULATION AND [PROPOSED]
ORDER SELECTING ADR PROCESS**

Judge: Hon. James Ware

24 Counsel report that they have met and conferred regarding ADR and have
25 reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

26 The parties agree to participate in the following ADR process:

Court Processes:

27 ___ Non-binding Arbitration (ADR L.R. 4)

28 ___ Early Neutral Evaluation (ENE) (ADR L.R. 5)

___ Mediation (ADR L.R. 6)

*(Note: Parties who believe that an early settlement conference with a
Magistrate Judge is appreciably more likely to meet their needs than any other
form of ADR, must participate in an ADR phone conference and may not file this*

1 form. They must instead file a Notice of Need for ADR Phone Conference. See
2 Civil Local Rule 16-8 and L.R. 3-5)

3 **Private Process:**

4 X Private ADR (please identify process and provider): Private
5 mediation. The parties will work together to choose a mutually agreeable private
6 mediator.

7
8 The parties agree to hold the ADR session by:

9 the presumption deadline (*The deadline is 90 days from the date of*
10 *the order referring the case to an ADR process unless otherwise*
11 *ordered.*)

12 X other requested deadline: December 15, 2008
13

14 DATED: May 30, 2008

LAW OFFICES OF ROBERT D. PONCE

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16
17 By: 

Robert D. Ponce
Attorneys for Plaintiff
KENNETH ORNDORF

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21
22 DATED: May 30, 2008
23 6/2/08

SEDGWICK DETERT MORAN & ARNOLD LLP

24
25 By: 

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CATERPILLAR INC.

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**[PROPOSED] ORDER SELECTING
ADR PROCESS**

Judge: Hon. James Ware

17
18 Pursuant to the Stipulation above, the captioned matter is hereby referred to:

19 ___ Non-binding Arbitration

20 ___ Early Neutral Evaluation (ENE)

21 ___ Mediation

22 ___ Private ADR

23 Deadline for ADR session

24 ___ 90 days from the date of this order.

25 ___ Other: _____

26 **IT IS SO ORDERED**

27 DATED: June 2, 2008

28 _____
UNITED STATES MAGISTRATE JUDGE